

# **EXHIBIT 1**

**CONDENSED TRANSCRIPT**

**STATES UNITED DISTRICT COURT**

**DISTRICT OF MASSACHUSETTS**

**C.A. NUMBER: 04-11924-RGS**

IAN J. BROWN, JAMES BROWN AND BARBARA BROWN,  
Plaintiffs,

VS

UNITED STATES OF AMERICA,  
VERIZON NEW ENGLAND, INC. AND BOSTON EDISON  
COMPANY D/B/A NSTAR ELECTRIC,  
Defendants.

~~~~~

RULE 30(b)(6) DEPOSITION OF ADRIENNE M.  
ST. JOHN, taken on behalf of the Defendants,  
pursuant to the applicable provisions of the  
Massachusetts Rules of Civil Procedure, before  
Laurie J. Driggers, a Certified Realtime  
Reporter, Registered Professional Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the Offices of Prince, Lobel,  
Glovsky & Tye, LLP, 585 Commercial Street,  
Boston, Massachusetts, on April 13, 2005,  
commencing at 9:37 a.m.



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ADRIENNE M. ST. JOHN 04/13/05

11 (Pages 41 to 44)

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1 into, I believe, McGuire Road. And then  
 2 you would take a right onto Hartwell  
 3 Avenue and travel into the air base.  
 4 Q. From Route 95 or 128 --  
 5 A. Mm-hmm.  
 6 Q. -- would that be a direct route to  
 7 Hanscom Air Force Base, or is there a more  
 8 direct route that you would take from 95  
 9 or 128?  
 10 A. Hartwell Road in Bedford -- You  
 11 would not travel on Hartwell Road to get  
 12 into the base if you were on 128.  
 13 Q. Okay. How about Route 62?  
 14 A. What was the question?  
 15 Q. Would you travel on Route 62 from  
 16 Route 95 to get to Hanscom Air Force Base?  
 17 A. State-numbered Route 62?  
 18 Q. Yes. Concord --  
 19 A. No.  
 20 Q. I'll reask the question.  
 21 A. No.  
 22 Q. Okay. And the same for South Road?  
 23 A. You would not travel on South Road.  
 24 If you were on 128 and you were going to

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1 the air base, you would not travel on --  
 2 directly on -- on South Road.  
 3 Q. Okay. How about if you were coming  
 4 from Route 2, would you travel on Concord  
 5 Road or Route 62 to access Hanscom Air  
 6 Force Base?  
 7 A. If you came through Concord.  
 8 Q. Okay. And --  
 9 A. But Route 2 and 128 connect so that  
 10 -- unless you're avoiding the highway.  
 11 You can get to Hartwell -- you can get to  
 12 Hanscom from Route 2 via Concord.  
 13 Q. Okay. And would you travel past --  
 14 if you were taking that route, would you  
 15 travel past the intersection of Concord  
 16 Ave. and Hartwell Road?  
 17 A. You could, yes.  
 18 Q. Is that a direct route to Hanscom  
 19 Air Force Base from Route 2?  
 20 A. No.  
 21 Q. Okay. Same question with respect  
 22 to South Road. Would -- I'll ask you  
 23 this. Coming from Route 2 --  
 24 A. Yup.

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1 Q. -- would you travel on -- over  
 2 South Road to access Hanscom Air Force  
 3 Base?  
 4 A. No.  
 5 Q. Okay.  
 6 A. No.  
 7 Q. That would not be a direct route.  
 8 A. No.  
 9 Q. Okay. Can you describe for me  
 10 Hartwell Road, generally?  
 11 A. Hartwell Road is a two-lane  
 12 roadway. The eastern part of it has  
 13 granite curbing and a sidewalk on the  
 14 north side. It's through a residential  
 15 area. There is some town-owned land off  
 16 of Hartwell Road -- again, this is on the  
 17 east side of Hartwell Road. The bottom --  
 18 The southern part of Hartwell Road is  
 19 surrounded by industrial buildings. It is  
 20 also a two-lane, paved roadway. There are  
 21 no sidewalks and there's no curbing. And  
 22 then west of what we call Raytheon, it,  
 23 again, is a two-lane, paved roadway  
 24 through a very sparsely residential area.

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1 MR. LEWIN: Okay. Copies  
 2 for everyone. Could we mark these as an  
 3 exhibit?  
 4 (Exhibit-12, MapQuest Maps,  
 5 marked for identification).  
 6 BY MR. LEWIN:  
 7 Q. I'm showing you what's been marked  
 8 as Exhibit 12. I'll represent to you that  
 9 this is a map printed off the Internet.  
 10 Do you recognize on the top sheet, what's  
 11 depicted in that map?  
 12 A. (Witness viewing document). I do.  
 13 Q. Okay. And can you just show me on  
 14 the map where Hartwell Road is?  
 15 A. Hartwell Road is this gray line  
 16 that forms somewhat of a -- of a U  
 17 (indicating).  
 18 Q. Okay. When I just asked you a  
 19 question to describe Hartwell Road, you  
 20 said it started out through a residential  
 21 area. On the map, can you show me where  
 22 the residential area you're talking about  
 23 is?  
 24 A. The eastern residential area runs



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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">Page 45</p> <p>1 from a point here at South Road past Inde<br/>2 -- past a road labeled Independence Road<br/>3 to approximately this gray line running<br/>4 northwest that is unlabeled (indicating).<br/>5 Q. That gray line, do you know what<br/>6 that is?<br/>7 A. That's Bagley Avenue.<br/>8 Q. Okay. And that residential area,<br/>9 are those privately owned residences?<br/>10 A. They are.<br/>11 Q. Okay. Okay. The next area you<br/>12 indicated was surrounded by industrial<br/>13 buildings on the south side.<br/>14 A. And on the north side.<br/>15 Q. And on the north side.<br/>16 A. I didn't specify which side --<br/>17 Q. Okay.<br/>18 A. -- but both sides, yup.<br/>19 Q. Okay. And can you show me what<br/>20 area of the road you're referring to here<br/>21 that's surrounded by industrial buildings?<br/>22 A. Again, assuming that north is<br/>23 straight up on this paper, just west of<br/>24 Bagley Avenue --</p> | <p style="text-align: center;">Page 46</p> <p>1 Q. Okay.<br/>2 A. -- there is a facility, an<br/>3 industrial building. Just south of<br/>4 Hartwell Road, actually, under the word<br/>5 Hartwell Road, there is a hangar. And<br/>6 traveling further west, there's a -- an<br/>7 industrial facility on the south side and<br/>8 there's an industrial facility and a<br/>9 treatment facility on the north side<br/>10 (indicating).<br/>11 Q. Okay.<br/>12 A. There is a section of mil -- There<br/>13 is a section of homes -- mil -- military<br/>14 mobile homes in and along these roads that<br/>15 are not labeled north of Hartwell Road<br/>16 (indicating).<br/>17 Q. All right. The first industrial<br/>18 facility that you located which was north<br/>19 was Hartwell Road, do you know what that<br/>20 facility is?<br/>21 A. It's referred to as the Raytheon<br/>22 facility on the hill. It's, as I<br/>23 understand it, an old Naval weapons<br/>24 research facility.</p> |
| <p style="text-align: center;">Page 47</p> <p>1 Q. Is that facility operational, to<br/>2 your knowledge?<br/>3 A. Approximately two years it was<br/>4 closed down.<br/>5 Q. Two years from now?<br/>6 A. Roughly two years ago. I'm<br/>7 guessing at the time frame.<br/>8 Q. Do you know when it was opened?<br/>9 Was -- Was that a Raytheon facility when<br/>10 it was functioning?<br/>11 A. Raytheon was a tenant in the<br/>12 building, yes.<br/>13 Q. And that was a civilian facility.<br/>14 A. I don't know who worked there.<br/>15 Q. Okay. And then you indicated that<br/>16 there is a hangar right below the word<br/>17 Hartwell Road on -- on this map.<br/>18 A. Mm-hmm.<br/>19 Q. Do you know who operates in that<br/>20 hangar?<br/>21 A. Currently, I don't think anybody is<br/>22 in the hangar. I don't know who operated<br/>23 in there before. I don't know if it was<br/>24 Raytheon or Hanscom or Massport.</p>                                            | <p style="text-align: center;">Page 48</p> <p>1 Q. Do you know when that hangar went<br/>2 empty?<br/>3 A. I believe they have been -- they<br/>4 abandoned both of them at the same time,<br/>5 so roughly two years ago.<br/>6 Q. Okay. And then you indicated on<br/>7 those unnamed -- unlabeled streets on the<br/>8 map that there is some military housing;<br/>9 is that correct?<br/>10 A. Yes.<br/>11 Q. Okay. Do you know who owns that<br/>12 property?<br/>13 A. Where the military houses are?<br/>14 Q. Yeah.<br/>15 A. That is part of Hanscom Air Force<br/>16 Base.<br/>17 Q. Okay.<br/>18 A. Whether or not it's owned by<br/>19 Massport or the U.S. Government, I don't<br/>20 -- I don't know.<br/>21 Q. Okay. Then, slightly further west<br/>22 on Hartwell Road, you indicated that there<br/>23 was -- I believe you said another facility<br/>24 south of Hartwell Road; is that correct?</p>                                                                              |



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13 (Pages 49 to 52)

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1 A. Yes. The current Raytheon facility  
 2 is located just south of Hartwell Road.  
 3 Q. And that is operational at this  
 4 time.  
 5 A. Yes.  
 6 Q. Do you know if that is a civilian  
 7 operation?  
 8 A. There are civilians who work there,  
 9 yes.  
 10 Q. And then you indicated, I believe,  
 11 that further -- what, I guess, would be  
 12 north and west down Hartwell Road was  
 13 sparsely residential. Is that what you  
 14 said?  
 15 A. Yes. There is another industrial  
 16 building on the north side of Hartwell  
 17 Road just west of the military housing  
 18 (indicating).  
 19 Q. Okay. And what is that facility?  
 20 A. I'm not sure who's in that  
 21 building, but there's a couple of  
 22 buildings there and the second building is  
 23 a water treatment plant.  
 24 Q. And is the water treatment plant

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1 operational?  
 2 A. As far as I know, yes.  
 3 Q. And is that owned by the Town of  
 4 Bedford?  
 5 A. No.  
 6 Q. Do you know who owns or runs that  
 7 facility?  
 8 A. I don't know which branch of the  
 9 military owns it -- is running it.  
 10 Q. But one branch of the military runs  
 11 that water treatment facility.  
 12 A. Yes. Yup.  
 13 Q. Okay. And is that -- Are those  
 14 all of the industrial buildings that are  
 15 located along Hartwell Road?  
 16 A. There might be some smaller out  
 17 buildings, but those are the bulk of them,  
 18 yes.  
 19 Q. Okay. As you proceed further north  
 20 and west down Hartwell Road, what's  
 21 located along the side of the road?  
 22 A. There's a couple of single-family  
 23 homes on the east side of Hartwell Road.  
 24 One of them is what's called the -- the

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1 egg farm. And on the west side of  
 2 Hartwell Road, there's a couple of  
 3 single-family homes. There's a new street  
 4 that's gone in, it's not shown on this  
 5 map, called Sorens Way, and that has maybe  
 6 about seven single-family lots.  
 7 Q. Do you know when that street was  
 8 put in?  
 9 A. It's still under construction.  
 10 They probably began about two years ago.  
 11 Q. Okay. The egg farm, what's the egg  
 12 farm?  
 13 A. It's a small farm. It has a  
 14 little grocery store where you can buy  
 15 fresh produce, certainly eggs. There are  
 16 some chickens that run around and there's  
 17 the -- the show pig that -- a little  
 18 attraction for the -- for the kids.  
 19 Q. Okay. For the residents located on  
 20 the easterly side of Hartwell Road in the  
 21 area where -- off of South Road, if they  
 22 were coming on Route 62 from the left side  
 23 of this map, what would be the most direct  
 24 route to their homes?

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1 A. Are you saying that they lived here  
 2 on this section of Hartwell Road  
 3 (indicating)?  
 4 Q. Yes. And they were coming --  
 5 A. From Route 62?  
 6 Q. -- from the left side of this map.  
 7 A. So they would be traveling east on  
 8 Route 62, they would turn right on  
 9 Hartwell Road. And if they lived over  
 10 here (indicating), then they would  
 11 eventually get home.  
 12 Q. Okay. And is that the most -- Is  
 13 that the quickest route to those  
 14 residences from that location on Route 62?  
 15 A. Yes.  
 16 Q. That would be quicker than taking  
 17 Route 62 up and then turning right to  
 18 South Road.  
 19 A. Yes.  
 20 Q. Okay. Likewise, for employees that  
 21 worked at the Raytheon building, coming  
 22 from Route 62 on the left side of this  
 23 map, what would be the quickest route for  
 24 them to get to their workplace?



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46 (Pages 181 to 184)

Page 181

1 Q. Do you know how to reach him?  
 2 A. Oh, yup. Yes, I do.  
 3 Q. Do you know offhand?  
 4 A. He lives at 27 Hartwell Road.  
 5 Q. Okay.  
 6 A. I could only guess at his phone  
 7 number. I think it's 8085, but -- I'm  
 8 sorry, 78 -- I don't want to give you the  
 9 number if it's not correct.  
 10 Q. Now, you testified earlier about  
 11 the town's use of outside contractors to  
 12 erect guardrails, and a name that you came  
 13 up with was Bartwell -- or is it Bartlett?  
 14 A. Bartlett Consolidated.  
 15 Q. Is there a way to determine who  
 16 else the town used since, say, 1970 to  
 17 today?  
 18 A. Invoices older than, I believe,  
 19 seven years have been destroyed. Going  
 20 that far back, I don't know. I don't  
 21 know of any way...  
 22 Q. Okay. So you wouldn't be able to  
 23 determine what contractors the town used  
 24 in the '70s.

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1 A. I wouldn't be able to tell.  
 2 Q. And you just mentioned that  
 3 invoices were destroyed, I guess, older  
 4 than seven years. Any other documents  
 5 that the town destroys that are older than  
 6 seven years old that would be pertinent to  
 7 our trying to determine who and when the  
 8 guardrail was erected?  
 9 A. Well, for instance, we keep  
 10 insurance records of contractors who work  
 11 for the Town of Bedford, but I don't know,  
 12 really, where those would -- if they still  
 13 exist, where they would be. They're not  
 14 at the Department of Public Works. They  
 15 may be at the Town Finance Department.  
 16 Q. Do you know what the speed limit is  
 17 in the area where Utility Pole 37 is  
 18 located?  
 19 A. I believe it's 25. Twenty-five.  
 20 Q. Okay. I just have one last  
 21 question for you. You've -- You've  
 22 identified on a few of these maps this --  
 23 this trailer home area.  
 24 A. (Witness nodding).

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1 Q. Is there any other way to access or  
 2 exit that area other than using Hartwell  
 3 Road?  
 4 A. No. Both trailer areas are served  
 5 from Hartwell Road.  
 6 MR. WILMOT: Okay. That's  
 7 all I have.  
 8 MR. LEWIN: I have three  
 9 questions. Actually, I'm not going to say  
 10 that because I'm sure I'll have a few more  
 11 than three.  
 12 FURTHER EXAMINATION  
 13 BY-MR. LEWIN:  
 14 Q. The first question is, could  
 15 Hartwell Road have been named something  
 16 other than Hartwell Road at some point in  
 17 the past?  
 18 A. Could it have? Sure.  
 19 Q. Is there a way to determine whether  
 20 the road's name was changed at some point  
 21 in time?  
 22 A. I could check some of the old  
 23 historical maps and see what they say.  
 24 Q. Okay. Do you have access to those

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1 in -- at the Department of Public Works?  
 2 A. Some. Some, I might have to go to  
 3 the Historical Society to get.  
 4 Q. Okay. You were asked a question  
 5 about the taking authority with respect to  
 6 certain parcels of land comprising Hanscom.  
 7 Do you remember those questions?  
 8 A. Yes.  
 9 Q. And you indicated that you thought  
 10 it was the Department of Air Force.  
 11 A. According to the exhibit, yes.  
 12 Q. Okay. And what is it about the  
 13 exhibit that leads you to believe that  
 14 it's the Department of Air Force?  
 15 A. I believe that the Department of  
 16 the Air Force is listed in the title  
 17 block.  
 18 Q. Is that the sole basis upon which  
 19 you believe?  
 20 A. Yes.  
 21 Q. Okay. There's nothing else  
 22 indicating on there that, in fact, the Air  
 23 Force was the taking authority --  
 24 A. Correct.



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